



#8/Response
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hiroyuki Okuyama et al.
Appl. No.: 10/092,687
Conf. No.: 3793
Filed: March 6, 2002
Title: DISPLAY UNIT AND SEMICONDUCTOR LIGHT EMITTING DEVICE
Art Unit: 2822
Examiner: Mark V. Prenty
Docket No.: 112857-319

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

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The present remarks are in response to the Office Action entered in the above identified case and mailed on March 31, 2003. Claims 1-26 are pending in the application. Claims 4-10 and 21-26 have been allowed, claims 1-3, 11 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2002/0145150 to Okuyama et al. (hereinafter “Okuyama”), and 12, and 14-20 were objected to for being dependent on a rejected base claim, but otherwise would be allowable.

Applicants respectfully traverse the rejection of claims 1-3, 11, and 13 over Okuyama because Okuyama may not properly be considered as prior art to the present application under 35 U.S.C. §102(e). Okuyama was filed in the United States on March 5, 2002. However, the present application claims priority from Japanese patent applications P2001-062206 and P2001-362444 filed March 6, 2001 and November 28, 2001 respectively. Based on the priority date of the present application Okuyama is clearly not an application for patent published under section 122(b), by another filed in the United States before the invention by the Applicants. Accordingly 35 U.S.C. §102(e) does not apply, and the subject claims should be allowed.

For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is

encourage to call Applicants' attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

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BY



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